

AMENDED IN ASSEMBLY AUGUST 8, 2008
AMENDED IN ASSEMBLY AUGUST 4, 2008
AMENDED IN ASSEMBLY JULY 1, 2008
AMENDED IN ASSEMBLY JUNE 18, 2008
AMENDED IN SENATE JANUARY 28, 2008
AMENDED IN SENATE JANUARY 17, 2008
AMENDED IN SENATE JANUARY 7, 2008

SENATE BILL

No. 364

Introduced by Senator Simitian

February 20, 2007

An act to add Section 1724.5 to the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 364, as amended, Simitian. Personal information: privacy.

Existing law requires any agency, person, or business that maintains computerized data that includes personal information that the agency, person, or business does not own to notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

This bill would require that notification to the owner or licensee of the information include, among other things, a description of the categories of personal information that were, or may have been, acquired, a toll-free or local telephone number or electronic mail address that individuals may use to contact the agency, person, or business, and

the telephone numbers and addresses of the major credit reporting agencies. If the owner or licensee of the information is the issuer of the credit or debit card or the payment device, or maintains the account from which the payment device orders payment, the bill would require the owner or licensee to disclose the same information to the California resident in plain language, as specified.

This bill would become operative only if AB~~1779~~ 1656 of the 2007–08 Regular Session is enacted and takes effect on or before January 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1724.5 is added to the Civil Code, to
 2 read:
 3 1724.5. (a) Any person, business, or agency subject to Section
 4 1724.4 that is required to give notice of a breach of the security
 5 of the system pursuant to subdivision (b) of Section 1798.29 or
 6 subdivision (b) of Section 1798.82 shall include in that notification
 7 to the owner or licensee of the information, in plain language, all
 8 of the following information if available at the time the notice is
 9 provided:

- 10 (1) The date of the notice.
- 11 (2) The name of the agency, person, or business that maintained
 12 the computerized data at the time of the breach.
- 13 (3) The date, estimated date, or date range within which the
 14 breach occurred, if that information is possible to determine at the
 15 time the notice is provided.
- 16 (4) A description of the categories of personal information that
 17 were, or is reasonably believed to have been, acquired by an
 18 unauthorized person.
- 19 (5) A toll-free telephone number for the agency, person, or
 20 business subject to the breach of the security of the system of that
 21 agency, person, or business or, if the primary method used by that
 22 agency, person, or business to communicate with the individuals
 23 whose information is the subject of the breach is by electronic
 24 means, an electronic mail address that the individuals may use to
 25 contact the agency, person, or business so that the individuals may
 26 learn what types of personal information that agency, person, or

1 business maintained about the individuals that were subject to the
2 security breach. If the agency, person, or business that experienced
3 the breach does not have a toll-free telephone number, a local
4 telephone number may be provided to the owner or licensee of the
5 information to contact the agency, person, or business.

6 (6) The toll-free telephone numbers and addresses for the major
7 credit reporting agencies.

8 (b) The notification required by subdivision (a) may be delayed
9 if a law enforcement agency determines that the notification will
10 impede a criminal investigation. The notification required by
11 subdivision (a) shall be made after the law enforcement agency
12 determines that it will not compromise the investigation.

13 (c) If the owner or licensee of the information is the issuer of
14 the credit or debit card or the payment device, or maintains the
15 account from which the payment device orders payment, the owner
16 or licensee shall disclose to the California resident in any
17 notification provided pursuant to subdivision (a) of Section 1798.29
18 or subdivision (a) of Section 1798.82, in plain language, all
19 information described in paragraphs (1) to (6), inclusive, of
20 subdivision (a) of this section that is available at the time that
21 notification is made, except however, with respect to paragraph
22 (5), an electronic mail address may be provided in lieu of a toll-free
23 or local telephone number to those individuals with whom the
24 primary method used by that agency, person, or business to
25 communicate is by electronic means.

26 SEC. 2. This act shall become operative only if Assembly Bill
27 ~~1779~~ 1656 of the 2007–08 Regular Session is enacted and takes
28 effect on or before January 1, 2009.